

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MARIA MENDEZ,

Plaintiff,

-v-

THE CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO.: 21 Civ. 5294 (JGK) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

For the reasons that follow, the in-person settlement conference set for January 16, 2025 at 10:00 a.m. (ECF No. 166) is **CANCELLED**.

This case is over three years old. Throughout that time, the Court has engaged with the parties in several conferences to attempt reaching an amicable settlement of their dispute. On October 3, 2024, in yet one more try, the Court set a telephone conference to schedule another settlement conference in this case. (ECF No. 154 (the “Oct. 9 Conference”)). On October 9, 2024, the Court held the telephone conference (see October 9, 2024 minute entry) and set an in-person settlement conference for December 19, 2024 (ECF No. 158). Plaintiff’s Counsel, Mr. Eric Sanders, Esq., failed to appear at the Oct. 9 Conference without any advance notice or explanation, so the Court ordered him to show cause “in a declaration pursuant to 28 U.S.C. § 1746 why he failed to appear at the Conference.” (ECF No. 157 (the “OTSC”)).

Sanders failed again. He filed a letter that neither set forth the explanation for his absence at the Oct. 9 Conference nor swore his response to the Court’s OTSC pursuant to 28 U.S.C. § 1746. (ECF No. 159). Even so, the Court deemed the OTSC satisfied and decided not to impose sanctions

but “advised” Sanders “to adhere closely to the orders, local rules, and individual practices of the Court” because his “behavior will not be tolerated a second time.” (ECF No. 160).

On December 12, 2024, Sanders moved to adjourn the settlement conference. (ECF No. 165). The Court granted his request and adjourned the settlement conference to January 16, 2025. (ECF No. 166). The parties were ordered to submit pre-settlement conference letters, setting forth their positions on the dispute, to the undersigned’s Chambers email address, copying all parties, and a settlement conference attendance acknowledgment form by January 10, 2025. (ECF No. 166; see ECF No. 158 at 2–3, 8–9). Sanders ignored the deadline.

On January 13, 2025, the Court emailed the parties, explaining that it had received the requisite submissions from all the participating attorneys except Sanders and another lawyer representing two Defendants. The Court sua sponte extended the January 10, 2025 deadline and directed Sanders and the other lawyer to email their submissions to Chambers by Noon on January 14, 2025 or risk cancellation of the settlement conference for failure to comply with the Court’s orders. Sanders ignored the Court again and did not submit the required documents. He has not informed the Court why he missed the first deadline or why he cannot comply with the sua sponte extension.

Defendants’ Counsel complied with the Court’s Orders (ECF Nos. 158; 166), but somehow Sanders continues to prove impervious to direction. With only Defendants’ settlement conference submissions in hand, the January 16, 2025 settlement conference cannot occur. This consequence rests squarely on Sanders and comes at the expense of his client and the efforts of all here involved.

Accordingly, it is ORDERED as follows:

1. The January 16, 2025 settlement conference (ECF No. 166) is **CANCELLED**.
2. On or before **January 31, 2025**, Sanders shall (i) deliver a copy of this Order to Plaintiff Maria Mendez, (ii) file a letter certifying he has done so, and (iii) file an affirmation from Ms. Mendez, containing her signature, confirming that she received a copy of this Order.

The undersigned will notify the Honorable John G. Koeltl that no settlement conference will occur and, therefore, the parties intend to proceed with dispositive motions or trial before him.

Dated: New York, New York
January 14, 2025

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge